

## Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### MICROPARTICLE ENHANCED LIGHT SCATTERING AGGLUTINATION ASSAY AND MICROPARTICLE REAGENTS THEREFOR

the specification of which

(check one)

☒ is attached hereto

☐ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>97113873.0</u> (Number)	<u>Europe</u> (Country)	<u>11 / August / 1997</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<hr/> (Number)	<hr/> (Country)	<hr/> (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<hr/> (Number)	<hr/> (Country)	<hr/> (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit of the prior United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

George W. Johnston	(Reg.No. 28090)	Dennis P. Tramaloni	(Reg.No. 28542)
William H. Epstein	(Reg.No. 20008)	Patricia S. Rocha Tramaloni	(Reg.No. 31054)
Joseph P. Kirk, Jr.	(Reg.No. 36844)		

Send Correspondence to:

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Direct Telephone Calls to: (name and telephone number)

Joseph P. Kirk, Jr. (973) 235-4393

Full name of sole or first inventor

Shinichi Eda

Inventors signature

Date

July 13, 1998

Residence

CH-4303 Kaiseraugst, Switzerland

Citizenship

Japanese

Post Office Address

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Full name of sole or second inventor

Jörg Heinrich Kaufmann

Inventors signature

Date

July 13, 1998

Residence

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Citizenship

German

Post Office Address

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(Supply similar information and signature for third and subsequent joint inventors.)

Full name of sole or third inventor, if any

Stefan Pohl

Inventors signature

*Stefan Pohl*

Date

July 13, 1998

Residence

D-79639 Grenzach-Wyhlen, Germany

Citizenship

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Post Office Address

2 Seidenweg, D-79639 Grenzach-Wyhlen, Germany

Full name of sole or fourth inventor, if any

Inventors signature

Date

Residence

Citizenship

Post Office Address

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim: or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

Attorney Docket No.: 12320US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Shinichi Eda, *et al.*

Application No.: 09/129,744

Group No.: 1641

Filed: August 5, 1998

Examiner: G. Gabel

Title: Microparticle Enhanced Light Scattering Agglutination Assay And Microparticle Reagents Therefor

Assistant Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified application,

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

the following **attorneys** and agent are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

D. Michael Young, Reg. No. 33,819; Brent A. Harris, Reg. No. 39,215; Richard T. Knauer, Reg. No. 35,575, Jill Lynn Woodburn, Reg. No. 39,874, and Marilyn L. Amick, Reg. No. 30,444, all of Roche Diagnostics Corporation, 9115 Hague Road, Indianapolis, Indiana 46250-0457; and W. Scott McNees, Reg. No. 33,964 and Charlotte H. Copperthite, Reg. No. 32,975 of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, New Jersey 07102-5497.

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**SEND CORRESPONDENCE TO:  
CALLS TO:**

Intellectual Property Docket Administrator  
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One Riverfront Plaza  
Newark, New Jersey 07102-5497

**DIRECT TELEPHONE**

Charlotte H. Copperthite  
(973) 596-4911


## ASSIGNEE

Roche Diagnostics Corporation  
9115 Hague Road  
Indianapolis, IN 46250-0457

## ASSIGNEE STATEMENT

Attached to this power is a "STATEMENT UNDER 37 C.F.R. 3.73(b)." This document shows that Roche Diagnostics Corporation is the Assignee of the entire right, title, and interest in the above-identified application.

Date 8/19/99

  
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Steve A. Oldham  
Vice President and General Counsel

